

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY LINEHAN, on behalf of  
plaintiff and a class,

Plaintiff,

v.

ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.,

Defendant.

CASE NO. C15-1012-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

On January 26, 2017, the Court stayed Plaintiff Timothy Linehan's deadline for filing a class certification motion pending the Ninth Circuit's resolution of Plaintiffs' request to appeal the denial of class certification. (*See* Dkt. No. 290 at 1-2.) The Ninth Circuit has since denied that request. (Dkt. No. 345.)

As directed, Linehan filed notice of the Ninth Circuit decision and proposed a new motion deadline of 14 days from an order from this Court. (Dkt. No. 353 at 1-2.) Linehan "believes [Defendant AllianceOne Receivables Management, Inc.]'s bona fide error defense presents a common issue for the Linehan proposed class which predominates individual inquiries and which makes a class action superior to other available methods for fairly and efficiently adjudicating the controversy." (*Id.* at 2.)

1 AllianceOne opposes Linehan's request, asking the Court to apply its order denying class  
2 certification (Dkt. No. 257) to Linehan's motion because "[f]urther briefing on the bona fide  
3 error, an issue previously briefed to and considered by the Court, would be a waste of judicial  
4 and party resources, and would raise the possibility of an order that conflicts with this Court's  
5 prior order denying class certification in the consolidated cases." (Dkt. No. 354 at 2.)

6 Linehan was given a separate deadline to move for class certification, and the Court does  
7 not find it appropriate to deny him a chance to be heard by categorically applying the order  
8 denying class certification to his case. However, the Court strongly encourages Linehan to  
9 consider whether filing a class certification motion is a wise use of party or Court resources. The  
10 fact that AllianceOne raised a bona fide error defense does not differentiate it from the other  
11 Defendants in this case. (*See* Dkt. No. 220 at 5; Dkt. No. 240 at 27-30.) In fact, the Court found  
12 that the presence of such defenses contributed to the predominance of individual, rather than  
13 common, issues. (Dkt. No. 257 at 8.) Moreover, before even reaching the question of  
14 predominance, the Court found that the commonality requirement was not satisfied because the  
15 common question in this case has already been answered. (*Id.* at 6.) In sum, the Court reiterates  
16 its strong doubt that Linehan's class certification motion will end in a different result.

17 Should Linehan nonetheless wish to proceed, his motion shall be due by Friday, April 14,  
18 2017. The Court STAYS the deadlines for discovery closure and dispositive motions filing until  
19 the Court rules upon the motion or, if no such motion is filed, until the summary judgment  
20 motions on the bona fide error defense currently pending before this Court are resolved.

21 DATED this 31st day of March 2017.

22 William M. McCool  
23 Clerk of Court

24 s/Paula McNabb  
25 Deputy Clerk  
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